

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JUXTACOMM-TEXAS SOFTWARE, LLC

PLAINTIFF,

v.

AXWAY, INC., et al,

DEFENDANTS.

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Civil Action No. 6:10-CV-00011-LED

JURY DEMAND

**DECLARATION OF MELANIE G. COWART IN SUPPORT OF PLAINTIFF'S
EMERGENCY MOTION FOR A CASE MANAGEMENT CONFERENCE**

I, Melanie G. Cowart, declare and state as follows:

1. I am licensed to practice law in the state of Texas and am admitted to this court. I am a senior counsel with the law firm of Akin Gump Strauss Hauer & Feld, LLP ("Akin Gump"). Akin Gump represents Plaintiff JuxtaComm-Texas Software, LLC ("JuxtaComm") in the above-captioned lawsuit. I have personal knowledge of the matters stated in this declaration and would testify to them under oath if called upon to do so.

2. A true and correct copy of the following document is attached hereto:

Exhibit A: December 10, 2010 – Communication to Lawson requesting production of executable files

Exhibit B: January 4, 2011 – Meet and confer during which Lawson agreed to produce executables for all versions of the accused products by January 18, 2011

Exhibit C: April 8, 2011 – Communication notifying Lawson of delinquent executable production and requesting production by April 12, 2011

Exhibit D: April 21, 2011 – Communication requesting a meet and confer regarding executable production

Exhibit E: June 16, 2011 – Telephone conference outlining issues with Lawson’s executable production and offering Lawson the option of making available a computer preloaded with the Accused Products

Exhibit F: June 17, 2011- Telephone conference specifying components missing from Lawson production that are required to enable standard functionality and explaining how JuxtaComm has been prejudiced by the deficient production

Exhibit G: July 20, 2011 – Communication listing missing executable files and other discovery deficiencies, while requesting meet and confer

Exhibit H: July 29, 2011 – Telephone conference again detailing the obstacles to installing the Accused Products, requesting confirmation of what versions of the Accused Products had been produced, and requesting identification of the supported operating systems for the Accused Products

Exhibit I: October 4, 2011 – Communication requesting meet and confer regarding issues in this motion

Exhibit J: December 20, 2010 – Communication responding to December letter

Exhibit K: June 16, 2011 – Communication responding to June 16, 2011 letter

I declare under penalty of perjury that the foregoing is true and correct.

Executed in San Antonio, Texas on this 7th day of October 2011.



Melanie G. Cowart